

RESPONSE TO RESTRICTION REQUIREMENT
U.S. Appln. No. 10/528,364 (Q86490)

REMARKS

On page 2 of the Office Action, the Examiner issues a restriction requirement to one of the inventions of the following groups:

Group I - Claims 1-23, drawn to a method for producing a vaccine; or

Group II - Claims 24-42, drawn to a vaccine composition.

The Examiner contends that restriction is proper because the inventions do not relate to a single general inventive concept that has a common technical feature (i.e., stabilization of immunogens by coating on water-soluble particles) patentable over the prior art, i.e., the Examiner contends that such stabilized particles are taught by Jameela et al.

Accordingly, Applicants hereby elect the invention of Group II, i.e., Claims 24-42 with traverse.

It is submitted that the claims of Groups I and II are directed to similar subject matter and that the maintenance of both groups of claims in a single application does not constitute undue burden on the Examiner. The Examiner has provided no evidence to the contrary.

In re Kuehl, 456 F.2d 658, 666, 117 USPQ 250, 256, the Court of Customs and Patent Appeals stated that:

We believe the constitutional purpose of the patent system is promoted by encouraging applicants to claim, and therefore to describe in the manner required by 35 U.S.C. 112 all aspects as to what they regard as their invention, regardless of the number of statutory classes involved.

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It is submitted that this is consistent with the practical reality that a sufficiently detailed disclosure supporting claims to one aspect of an invention is customarily sufficient to support claims in the same application to other aspects of the invention.

In any event, since composition claims have been elected, upon allowance of the elected claims, rejoinder of the process claims is requested.

The Examiner is invited to contact he undersigned at the below listed number on any questions which might arise.

Respectfully submitted,


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